

NUTLEY ZONING BOARD OF ADJUSTMENT
Public Session Meeting Minutes
February 10, 2014

CALL TO ORDER: A meeting of the Nutley Zoning Board of Adjustment was called to order at approximately 7:30 p.m. by Chairman Scrudato. The Pledge of Allegiance was recited. Roll was called and the Sunshine Notice was read.

PRESENT: Suzanne Brown, Serge Demerjian, Gary Marino, Lou Fusaro, Ralph Pastore, Mary Ryder, Paul Scrudato, Chairman, Diana McGovern, Esq., Board Attorney

ABSENT:

EXCUSED: Thomas DaCosta Lobo, Frank Graziano 6

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Ms. Brown recused herself from hearing the following application.

No. 1 AMBU-Trust LLC VIOLATION D-VARIANCE APPROVED 6-0

Applicant: Medical Transportation Service, 40 Rev. Roberts Place, 14 Harrison Street Block-Lot-Zone: 9204-21 & 20-B2

Application: request for a zoning permit at the above referenced premises, to occupy a portion of the one (1) story commercial building and to park ambulance vehicles for a Medical Transportation Service.

Appearances: Darren DiBiasi, Esq. Russell Stewart, Director of Operations; Peter Steck, Planner; Gary Galardi, Kensel Avenue

Letter of Denial was read by Mrs. Ryder.

Chapter 700, Article V, Section 700-7 A of the Codes of Nutley states the uses shall be listed in a B-2 district.

Chapter 700, Article V, Section 700-16 of the Codes of Nutley lists the permitted uses in a B-2 district. A medical transportation service or truck terminal is not listed as a permitted use.

Chapter 700, Article III, Chapter 700-3 of the Codes of Nutley, definition of Truck Terminal - Any lot on which more than three trucks over 1 1/2 tons' gross vehicle weight are parked overnight out of doors.

Chapter 700, Article VII, Section 700-39 E of the Codes of Nutley prohibits truck terminals in all zones

Chapter 700, Article XVI, Section 70-113 A of the Codes of Nutley states no nonconforming use nor structure nor any lawful use on a nonconforming lot shall be enlarged, extended, reconstructed or structurally altered, except that such structure or use may be structurally altered to correct an unsafe condition. A

nonconforming structure or a lawful structure on a nonconforming lot may be restored or repaired in the event of partial destruction thereof.

Ms. McGovern advised Mr. DiBiasi that this is a D Variance and would require five affirmative votes to be granted. Mr. DiBiasi said he is aware of that and his client waives his right to a full board.

Mr. DiBiasi introduced himself to the members and gave a briefing of the proposed application. AmbuTrust is a medical transport company or ambulance service, which schedules patient pickups. The ambulances transport patients that are infirm or are unable to be transported privately to doctor appointments, dialysis, etc. They are seeking a variance to occupy part of a building and to park emergency vehicles. The vehicles would actually be on the road most of the day and the spaces would be occupied by the employees' personal vehicles.

This business is well suit to the area; there are no sirens used (except for perhaps 1% of the time, there are no good delivered by commercial vehicles. The area includes the Nutley Board of Education maintenance yard and the Church. The trucks will be moved on Sundays to allow more parking for Church services. There are enough legal spaces for all the ambulances.

With no further questions from the members and no one in the audience with questions or comments, a motion to grant the variance was made by Mr. Pastore to permit the applicant to occupy a portion of the one-story commercial building and to park the ambulance vehicles as per the letter of intent and survey dated July 5, 2005 and the report of Peter Steck dated September 26, 2013, with the following conditions: applicant agrees to park its ambulances and other commercial vehicles per the diagram on the above mentioned Steck report and the applicant agrees that no more than 10 commercial vehicles will be parked at the site and that employee vehicles and/or the manager's vehicle will be legally parked and not on the township right-of-way or in the Holy Family Church parking lot. Seconded by Mr. Marino. The variance was granted by a vote of 6-0.

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Ms. Brown returned to her seat.

No. 2 FILIAN Continued from January 13, 2014 APPROVED 7-0

Applicant: Jaime Filian, 540 Kingsland Avenue, Block / Lot /Zone: 286/3/R1

Application: request to install a 16' x 20' second story deck attached to the house on an undersized 43.80' x 155.07' lot

Appearances: Shaina Filian, daughter (sworn)

Letter of Denial was read at the January 13, 2019 meeting.

The applicants returned tonight to continue the application that was started on January 13, 2014. The applicant has agreed to move and shorten their deck and that this new plan will cause no hardship to the neighbors. The deck will be moved to the south side of the pool and the deck will be replaced with a narrower one (6' x 8').

With no further questions from the members and no one in the audience with questions or comments, a motion to grant the variance was made by Mr. Pastore stating that the deck will be 6'x8' and attached to the existing pool on the south side of the pool having a two-foot side yard setback. The applicant will remove the existing deck within a reasonable time as directed by the Code Office. The motion was seconded by Mr. Fusaro. The variance was granted by a vote of 7-0.

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No. 4 SCIARRA continued from January 13, 2014 APPROVED 7-0.

Applicant: Ms. Judith Sciarra, PO Box 1100, Bloomfield, NJ

Application: request for a permit, at 46 Humbert Street, Block/Lot/Zone: 6702 /14 /R2, to convert the existing one (1) story block and stucco garage at the rear of the property, which has been used as a non-conforming light assembly manufacturing use, into a one (1) bedroom dwelling unit with a one (1) car garage, which will increase the number of dwelling units to three (3) and will have two (2) principal structures on one lot.

Appearances: Diane Lennon, Esq. Totowa, NJ; Sal Corvino, Architect/Planner

Letter of Denial was read by Mr. DaCosta Lobo on January 13, 2014.

Continuing this matter from January 13, 2014, Mr. Corvino reminded the members that the subject lot is narrow causing a hardship to the applicant. The applicant would like to renovate the pre-existing non-conforming structure that was the site of light industry into a one-family dwelling. This structure is on the same lot as a pre-existing two-family house. Applicant claims that the use of the structure as a one-family house better fits the neighborhood. The change of use will increase the parking spaces to 6. The size of the existing building would not change, however, the outside will be made more aesthetically pleasing. The applicant has agreed to remove one bedroom from the plan and will add a gable roof to give a more residential look.

Although the building has not been used for light industry for some time, the proposed use will create less traffic than if it was still used for industry.

The narrowness of the lot creates a hardship preventing the applicant from making improvements without the need of a variance.

With no further questions from the members and no one in the audience with questions or comments, a motion to grant the variance was made by Mr. Demerjian. The motion allows for the applicant to convert the existing one-story block and stucco garage at the rear of the property into a one-bedroom dwelling unit with a one-car garage, which increases the number of dwelling units to three and will have two principal structures on one lot. The applicant agrees to implement the recommendations set forth by the Zoning Official in the memo dated January 30, 2014 regarding the garage door; applicant agrees to remove the second bedroom and merge that area as living space and making the space labeled "study" a bedroom, and finally, the applicant agrees to install a gable roof

over the entire roof. Seconded by Mrs. Ryder. The variance was granted by a vote of 7-0.

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BUSINESS: There will be a joint meeting with the Planning Board on February 26, 2014. Members should think about any issues they would like to have discussed. There will be a special meeting on March 3, 2014 regarding 184 Franklin/188 Franklin/79 Ravine Avenues.

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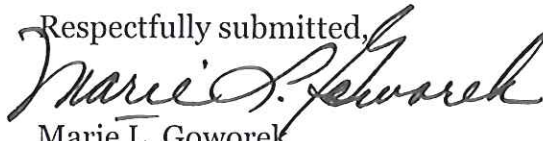
RESOLUTIONS: Approved
Moscara, 165 Franklin Avenue

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MINUTES: None.

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INVOICES and LITIGATED MATTERS: none

Respectfully submitted,

Marie L. Goworek